

**SALEM PLANNING AND ZONING COMMISSION**

**REGULAR MEETING**

**October 25, 2011**

**7:00**

Present: K. Buckley-Chairperson, R. Amato, D. Bingham, R. Savalle V. Smith Alt., M. Chinatti, Town Planner/ZEO, S. Spang, Recording Secretary

Absent: G. Fogarty, H. McKenney, G. Walter, Alt, Vacancy, -

Guests See Sign in Sheet

**CALL TO ORDER:**

K. Buckley called the meeting to order at 7:01. She introduced the members present.

With the consensus of the members V. Smith was seated for the full member vacancy.

**ADDITIONS TO THE AGENDA:** None

**PUBLIC HEARING:** None

**PETITIONERS:** None

**PUBLIC COMMENT** None

**OLD BUSINESS** 1. **Regulation Amendment Work Session**

The members were supplied with an outline of the proposed regulations. (See File Copy) The outline was put together with information gathered from land use attorneys, other town planners, and CCM.

K. Buckley went over the outline and explained some of the issues of each point. She stated the new legislation, PA 11-79 allows developers to post a Surety bond which are not as good as other types of bonds. She stated that in the case of subdivisions the Commission was advised to not ask for any bonds and to protect

the town by having conditions attached to approvals which have to be met before a developer can sell a lot.

She stated that it was important that if a Surety bond was issued that the issuer have an office in Connecticut and be governed by the laws of Connecticut. The option of raising the fees was discussed as well as making sure all staff, engineers, and other professionals are aware of the issues and ramifications of the act.

The Subdivision changes were discussed. K. Buckley noted that if the Commission approves the subdivision changes it would actually make it harder for a developer which is an unintended consequence of the bill. M. Chinatti stated that developers are starting to realize this and are asking for the legislation to be changed. V. Smith had concerns about how the proposed regulations would affect the developers and thought the Commission should invite a developer to get the other side of the story. D. Bingham stated that it was the Commissions job to protect the town and not the developers.

It was stated that the Commission cannot ask the developer what kind of bond to submit or from what company, the Commission can refuse to accept a bond from a company who is out of state or has a reputation for not paying on their bond.

D. Bingham stated that the bonding is only a problem when there is a road involved. He stated that is a huge expense for the town if there is a problem with the development. He stated that developers are very imaginative and try to use existing roads or common driveways to get around putting in roads, mostly because roads are expensive to build. He suggested the regulations be applicable only to subdivisions where a road is planned.

The Commission discussed the outlines of the proposed regulation amendments and actions/concerns of the zoning regulations. They agreed that all were acceptable

## **NEW BUSINESS**

1. **Budget-Fiscal year 2010/2011 wrap up**

K. Buckley reviewed the print out of the Planning and Zoning Budget for fiscal year 2011

2. **Budget-Current Year Update**

K. Buckley reviewed the print out of the Planning and Zoning Budget for fiscal year 2012

**ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION  
REPORT No Report**

**APPROVAL OF MINUTES-**

1. **September 20, 2011 Regular Meeting Minutes**

M/S/C (Buckley/Savalle) to approve minutes of September 20, 2011 as presented. Vote: Approved. In favor-Buckley, Amato, Bingham, Savalle. Opposed-none. Abstaining-Smith.

2. **September 27, 2011 Regular Meeting Minutes**

M/S/C (Buckley/Bingham) to approve the minutes of September 27, 2011 as amended.

**Public Hearing**-Page 2, ¶ 1, 1<sup>st</sup> line add: The Chair asked for Public Comment and there was none from the public.

**Vote: Approved. In favor-Amato, Bingham, Savalle, Smith. Opposed-none. Abstaining-Buckley**

**EXECUTIVE SESSION-DISCUSS KOBYLUCK LITIGATION**

(D. Bingham recused himself from the vote and the Executive Session)

**M/S/C (Buckley/Savalle) to go into Executive Session for the purpose of discussing the Kobyluck Litigation and to invite E. Burr, ex-officio member, and M. Chinatti, Town Planner/ZEO.**

**Vote: Approved Unanimously**

The Commission recessed at 8:56

The Commission went into Executive Session at 9:00

The Commission came out of Executive session at 9:42

**PLUS DELTAS -** None

**CORRESPONDENCE –** None

**ADJOURNMENT: M/S/C (Smith/Savalle ) to adjourn at 9:47 PM**

**Respectfully Submitted,**

**Sue Spang**

**Recording Secretary**

unapproved